

REMARKS

The following is in response to the Office Action mailed July 15, 2003.

Applicant has amended claims 1, 4 and 12.

The Examiner has rejected claims 1-12 as being obvious over Concur Technologies, Portable Software, Press Release in view of Russell et al. (U.S. Patent. 6,386,453).

Amended claim 1 relates to a method which requires sweeping a card having a person's e-mail address on said card through a card reader; entering information about the expense into the card reader; and entering the information into fields of the Internet Expense Account. The claim given its broadest reasonable interpretation reads on a employee entering information into his XMS account, the account being opened and accessed via a device as taught by the secondary reference.

Applicant has amended Claim 1 so that the information is automatically sent into the fields of the Internet expense account without manual intervention.

In response, the prima facie office action of claim 1, the applicant argues that XMS software of Concur does not relate to an e-mail address being on a card. The prima facie office action did not state this. Rather, the action relied on the secondary reference for this teaching. Moreover, ample motivation was provided (It would have been obvious for one skilled in the art used this system to initiate the recording the travel and expenses information of the primary reference as motivated by the need to increase efficiency.) for combining the first and second references. The applicant next argues that there are no fields, which are part of the expense account produced to the

user of XMS. Since the term field can be any location in a record (Microsoft Press, Computer Dictionary), this argument is flawed.

Applicant originally did not respond to the rejection based on the Russell Prior Art Reference since it was not of record originally. Therefore, applicant request that the Office Action be made non-final and the applicant's money refunded for filing the RCE.

Amended Claim 1 requires that a card is swiped through a card reader. The persons card having the persons e-mail address. Information is entered into the card reader about the expense. The information is sent automatically into the fields of the internet expense account without manual intervention. The Concur article and system require that the information from the credit card is sent to the credit card company which can then be manually transferred to a persons personal e-mail address. The Russell article teaches that a URL encoded symbol can be placed on a credit card or other transaction enabling card. Russell does not teach that the information that is entered into the card reader regarding an expense is automatically transmitted to an internet expense account.

The combination of Concur and Russell does not anticipate or make obvious claim 1 of the present invention because neither of these articles teaches that the information is sent automatically into the fields of the internet expense account without manual intervention.

In response the prima facie office action of claim 2 and 7, the applicant argues that the primary reference fails to teach "information be entered into the

Internet Expense Account comprise information not on the card". This argument is flawed. In the third paragraph the primary reference teaches a client/server solution, including report preparation (information not on card).

For the reasons stated above for claim 1, claims 2 and 7 are not anticipated nor obvious over Concur and Russell. Further, amended claims 2 and 7 require that the further information be expense information, which is not taught by Concur nor Russell.

The applicant argues that the reference fails to teach that the information on the card can not be deleted. The argument is incorrect since the information on the card of the prior art cannot be deleted (Russell, Figure 6).

With regards to amended claim 3, the claim requires that the information sent from the card into the fields of the text document can not be deleted once it enters the text document. This is not taught by Concur or Russell. For the reasons stated above claim 3 are not anticipated nor obvious.

The applicant argues that the reference once combined fail to teach the invention of claim 4. The prima facie office action is based on a broadest reasonable interpretation of claim 4 (a card and a text document). The e-mail address on the card- once scanned- reads on the limitations of the card and the transferring system.

Amended claim 4 requires that the system transfers information from the card to the text document without any manual intervention. The Concur article and system require that the information from the credit card is sent to the credit card company which can then be manually transferred to a persons personal e-mail address.

The Russell article teaches that a URL encoded symbol can be placed on a credit card or other transaction enabling card. Russell does not teach that the information that is entered into the card reader regarding an expense is automatically transmitted to an internet expense account.

The combination of Concur and Russell does not anticipate or make obvious claim 4 of the present invention because neither of these articles teaches that the information is sent automatically into the fields of the internet expense account without manual intervention.

The applicant argues that the references taken as a whole fail to teach that the information from the card cannot be changed in the document. This argument is misplaced. If the information from the card were for example the employee name, it would be obvious for one skilled in the art to make the information, the employee name (to some degree) unchangeable as motivated by the need to reduce theft and improve accuracy.

Regarding amended claim 8, it is not the information on the card, which can not be changed, but the information that is transferred from the card to the text document. Therefore, claim 8 is not anticipated, nor obvious over Concur and Russell.

In response to the argument directed to claim 9, the secondary reference at column 19, line 14, teaches that other types of information can be encoded on the magnetic strip. This information by default is to some degree apart of a separate field in the text document.

Amended claim 9 requires that the system divide the information transferred from the card into the text document into separate fields. Russell teaches that other kinds of information can be encoded on the magnetic strip, however, amended claim 9 relates to the system dividing the information which is transferred from the card into the text document into separate fields. Therefore, Concur and Russell do not anticipate or make obvious claim 9.

With respect to claim 10, the applicant stipulates that the XMS system takes the information from a charge card provides it to the user. However, the applicant argues that the XMS software does not divide the information from the card into separate fields, including travel, food, and accommodations. However, if the user were to first use the card for travel and next for food, etc. and the XMS were to send two separate e-mails to the user, this would read on the claims given its broadest reasonable interpretation.

For the reasons stated above, claim 10 is not anticipated nor obvious over Concur and Russell.

With respect to the claim 12, the claims given its broadest reasonable interpretation reads on an employee entering information into his XMS account. The account being opened and accessed via a wireless device as taught by the secondary reference.


Amended claim 12 requires that the system transfers information from the card to the text document without any manual intervention. The Concur article and system require that the information from the credit card is sent to the credit card

company which can then be manually transferred to a persons personal e-mail address. The Russell article teaches that a URL encoded symbol can be placed on a credit card or other transaction enabling card. Russell does not teach that the information that is entered into the card reader regarding an expense is automatically transmitted to an internet expense account.

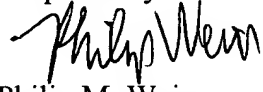
The combination of Concur and Russell does not anticipate or make obvious claim 12 of the present invention because neither of these articles teaches that the information is sent automatically into the fields of the internet expense account without manual intervention.

Applicant believes that the application is now in condition for allowance.

EXPRESS MAIL" Mailing Label No. EV 309317235 US
Date of Deposit: January 14, 2004
I hereby certify that this paper (and any document(s) attached herewith
Is being deposited with the United States Postal Service "Express Mail
Post Office to Addressee" service under 37 C.F.R. 1.10 on the
date indicated above and is addressed to the Commissioner
for Patents, P.O. Box 1450, Alexandria, VA 22313 on

Signature: 
Name: Maureen P. Herbst

Respectfully submitted,


Philip M. Weiss
Reg. No. 34,751
Attorney for Applicant
Weiss & Weiss
310 Old Country Rd., Ste. 201
Garden City, NY 11530
(516) 739-1500